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AGRICULTURE DEPARTMENT

NOTIFICATION

The 25th January 2008

S. R. O. No. 54/2008— In exercise of the powers conferred by Section 37 of the Dangerous Machines (Regulation) Act, 1983 (Central Act No. 35 of 1983), the State Government do hereby make the following Rules, namely :—

1. Short title :

(1) These Rules may be called the Orissa Dangerous Machines (Regulation) Rules, 2008.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*

2. Definitions :

(1) In these Rules unless the context otherwise requires,—

(a) 'Act' means the Dangerous Machines (Regulation) Act, 1983;

(b) 'Form' means a Form appended to these Rules; and

(c) 'Section' means a Section of the Act.

(2) All other words and expressions used in these Rules but not defined shall have the same meaning assigned to them in the Act.

3. Form of application and fee :

(1) Every application for issue of a licence to manufacture, or to commence or carry on business as a manufacturer of any dangerous machine shall be made in Form I on payment of the fee specified in Column (2) against each of the categories specified in Column (1) of the Table below :-

TABLE

(1)	(2)
(i) Exceeding rupees two thousand but does not exceed rupees five thousand.	Rupees two hundred
(ii) Exceeding rupees five thousand but does not exceed rupees ten thousand.	Rupees three hundred
(iii) Exceeding rupees ten thousand	Rupees five hundred

(2) Every application for licence to commence , or to carry on business as a dealer of any dangerous machine shall be made in Form-II on payment of fee specified in sub-rule (1) :

Provided that where a manufacturer holding a licence for manufacture of any dangerous machine, sells such dangerous machine directly to a user, such manufacturer shall not be required to obtain a licence to carry on business.

(3) For each category of dangerous machine proposed to be manufactured, a separate application is required for such licence.

(4) The decision for issue of licence shall be taken within a period of thirty days on the date of the receipt of the application.

(5) The licence shall be valid for a period of five years from the date of its issue.

4. Form of application for renewal of licence :

Every application for the renewal of a licence under Rule 3 shall be made in Form III accompanied by a fee specified in sub-rule (1) thereof which shall be made not less than forty-five days before the date of expiry of the period of validity thereof.

5. Cautions to be specified in the manual of instructions:

Every manual of instructions prepared in pursuance of Section 15 of the Act, shall among other things, specify therein the following cautions. The operator —

- (a) does not wear loose dress, bangles and the like things, while working on dangerous machines;
- (b) does not smoke and light fire near the thrashing yard or the thrasher;
- (c) does not be under the influence of intoxicants like liquor, opium and the like, while working on the dangerous machines;
- (d) does not cross over the moving belts;
- (e) does not stand on the thrasher while it is in operation or during its transportation;
- (f) does not feed earheads by hand and use pushing device;
- (g) does not work on the dangerous machines when tired;
- (h) does not operate the thrasher without guards and other safety devices;
- (i) does not make any adjustment when the thrasher is in operation;
- (j) does not put or take off belt while the pulley is running; and
- (k) does not insert hand beyond the caution mark in the feeding chute.

6. Declaration:

Each declaration to be made under Section 16 of the Act shall be in Form IV

7. Form in which registers records and accounts to be maintained :

(1) Every manufacturer shall maintain a monthly register in Form V indicating therein the number and other particulars of each dangerous machine manufactured by him during the month.

(2) Every manufacturer and dealer shall maintain a register in Form VI indicating therein the monthly stock of dangerous machines or part thereof in his custody or control during the month and also the particulars of the addition to or subtraction from the stock and the total stock arrived over to the next month.

8. Registration of dangerous machines by the users:

(1) Every application by the user of dangerous machines for the registration thereof shall be made in Form-VII and shall be accompanied by a fee amounting to five rupees.

(2) Every certificate of registration granted by the controller to the user shall be in Form VIII.

(3) The register referred to in sub-section (3) of Section 19 of the Act shall be maintained in Form IX.

9. Form of nomination :

(1) The nomination referred to in the first proviso to sub-section (1) of Section 22 shall be maintained in Form X.

(2) The Controller shall maintain in Form XI a register of nominations to be filled under the first proviso to sub-section (1) of Section 22 of the Act.

[2834—Inp(Imp)-1/2006-Ag.]

By order of the Governor

G. K. DHAL

Commissioner-cum-Secretary to Government

FORM I

[See Rule 3 (1)]

Form of application for licence to manufacture to commence or carry on business as manufacturer of dangerous machines under Dangerous Machines (Regulations) Act, 1983.

1. Name of applicant :
2. Whether sole proprietorship/partnership/public limited company/private limited company/trust (attested copy of the deed attached) :
3. Full address :
4. Dangerous machine for which licence is required :
5. Specification and other details.—
 - (a) Trade name :
 - (b) Brief description :
 - (c) Overall dimensions :
 - (d) Capacity of prime-mover (in Horse Powers) required to operate machine :
 - (e) Output (in quintals per hour) :
 - (f) Number of persons required to operate:
 - (g) Specific standard to which machine conforms or will conform (specify the standard).

6. I /We hereby apply for commencing / carrying on business as a manufacturer. A licence fee of Rs..... (Rupees) has been deposited in Orissa Government Treasury, vide Challan No.....dated.....(enclosed).

7. (i) I/We declare that the machine to be manufactured will conform to the standard as spelt out in the Dangerous Machines (Regulation) Act, 1983, and rules made thereunder by the Central Government (for applicant proposing to commence business as a manufacturer).

(ii) I/We declare that the dangerous machines being manufactured by us comply with the standards specified under Section 13 of the Dangerous Machines (Regulation) Act, 1983 and the rules made thereunder by the Government of Orissa (For the applicant proposing to carry on business).

(Strike out whichever is not applicable)

8. I/We will abide by all the provisions of the Dangerous Machines (Regulation) Act, 1983 and instructions issued by the authorities under the Act from time to time. I/We will keep the record and supply the requisite information to the Controller/Inspectors or persons authorized by them, as and when required.

9. I/We declare that Shri.....son of.....Partner/ Managing Director/Share Holder of the.....firm will correspond with authorities under the said Act on behalf of all the partners concerned with the above firm.....

Date:

Place:

Signature of the applicant
(Full name in capital letters)

(Seal of the Firm)

FORM II

[See Rule 3 (2)]

Form of application for licence to commence or carry on business as a dealer in dangerous machine under the Dangerous Machines (Regulation) Act, 1983 (Central Act 35 of 1983).

1. Name of applicant :
2. Whether sole proprietorship/partnership/public limited company/private limited company/trust (attested copy of the deed attached) :
3. Full address :
4. Dangerous Machine(s) for which licence is required :
(Give trade name with brief description of each)
5. Do the machines conform to specify standard ? :
(Indicate standard)
6. Name of manufacturer Whether licensed under If yes, number and date
the Dangerous Machines of licence and name of
(Regulation) Act, 1983 licencing authority

NOTE— Information under Paras. (5) or (6) above subject to verification will be considered adequate for grant of licence.

7. I/We hereby apply for commencing or carrying on business as a dealer in dangerous machines A licence fee of Rs. (Rupees) has been deposited in Orissa Government Treasury vide Challan No. dated (copy enclosed).

8. I/We declare that I/We will not deal in machines which do not conform to the standards specified under the Dangerous Machines (Regulation) Act, 1983 and the rules made thereunder by the Government of Orissa.

9. I/We will abide by all provisions of the Dangerous Machines (Regulation) Act, 1983 and instructions issued by the authorities under this Act from time to time.

10. I/We will keep the record and supply the requisite information to the Controllor / Inspector or persons authorized by them as and when required.

11. I/We declare that Shri son of Shri /Partner/ Managing Director/Share Holder of the firm will correspond with the authorities on behalf of all the partners concerned with the above firm

Date :

Place :

Signature of applicant
(Full name in capital letters)

(Seal of the Firm)

(For official use)

FORM III

(See Rule 4)

Form of application for renewal of licence to manufacture, commence or carry on business as a manufacturer or dealer of dangerous machine under the Dangerous Machines (Regulation) Act, 1983.

1. Name of applicant :
2. Full address :
3. Details of licence sought to renew— :
 - (i) Licence Number and date :
 - (ii) Validity period :

4. A licence renewal fee of Rs.(Rupees) has been deposited in Orissa Government Treasury vide Challan No. dated (copy enclosed).

5. Is there any change in the partnership deed of firm, if any, give details

6. I/We declare that I/We have not been convicted/punished under the above Act during the validity period.

Date :

Place :

Signature of applicant
(Name in capital letters)

(Seal of the Firm)

(For official use)

FORM IV

(See Rule 6)

Form of declaration to be made by manufacturer or dealer to enable the registration of dangerous machines under the Dangerous Machines (Regulation) Act, 1983.

Serial No.....

I have transferred by sale/lease/hire (delete whichever is not applicable) to Shri/
Messrs..... ofNumber..... of
.....
.....(address).....(give figures)
.....of the under mentioned particulars on
(Name of the machine) (Date)

It is certified that this machine conforms/these machines conform (delete whichever is not applicable)
to the standards laid down by or under the said Act and the rules and orders made thereunder.

1. Make and model
2. Serial Number of the machine
3. Year of manufacture
4. Horse Power / Kilowatt
5. Capacity

Signature of the Manufacturer/Dealer

Signature of the purchaser

Date:

(Name in capital letters)

(Seal of the Firm)

FORM V

[See Rule 7(1)]

Form of register to be maintained by the Manufacturer under the Dangerous Machines (Regulation) Act, 1983.

Serial No.	Month and year of manufacture	Brief details of the machine, the model and size of prime mover (if provided with machine)	Total number of machines manufactured	Signature of the Manufacturer/ Dealer
(1)	(2)	(3)	(4)	(5)

FORM VI

[See Rule 7(2)]

Register of monthly stocks to be maintained by the Manufacturers or Dealers under the Dangerous Machines (Regulation) Act, 1983 :

Serial No.	Brief description of the machine make, model and capacity	Month	Particulars of the opening stocks.	Particulars of stocks received during the month.	Particulars of the machines sold, transfered or otherwise disposed of during the month.	Particulars of the closing stocks	signature of the Manufacturer/ Dealer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FORM VII

[See Rule 8 (1)]

Form of application by users for registration of a dangerous machine under the Dangerous Machines (Regulation) Act, 1983.

I/We..... son of / sons of.....
(Name)

Resident of.....
(Address) (owner)

have acquired control (as hiree or lessee or otherwise) of the machine, the machine, the particulars of which are given and beg to apply for the registration of the same —

(a) Name and Number of the machine

(b) Make and Model

(c) Date and year of purchase, hire or lease or other transfer in any other mode.

The certificate to the effect that the machines conforms to specified standard is attached

Certified that I/We have been using the machines since prior to the coming into force of the Act and the machines conforms or has been so modified as to conform to specified standards (delete whichever is not applicable). A registration fee of Rs.....
(Rupees.....) per machine has been deposited, vide cash/Challan No.....dated.....
and the receipt is enclosed.

Date:

Place:

Signature of the applicant

(Name in capital letters)

FORM VIII

[See Rule 8(2)]

Form of certificate to be granted by the Controller to the user under the Dangerous Machines (Regulation) Act, 1983.

Registration No.....

1. Name of the user :
2. Father's/Husband's name of the user :
3. Address :
4. Particulars of the machine —
 - (1) Name of the dangerous machine
 - (2) Make and Model
 - (3) Year of manufacture along with supplier's or transferer's name and address
 - (4) Serial Number of the machine, if any

The person abovenamed is hereby allowed to use the dangerous machine detailed above.

Date :

Signature

Place :

(Seal of the Registering Authority)

FORM IX

[See Rule 8 (3)]

Form of register to be maintained by the Controller under sub-section(3) of Section 19 of the Dangerous Machines (Regulation) Act, 1983 :

Serial No.	Name of the dangerous machine	Manufactured by (give full-address)	Supplied by (give full address)	Make and Model capacity and serial number of the machine, if any.	Whether a new machine or old modified machine	Owned or used by name and full address	Date of grant of registration with its No.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

FORM IX

[See Rule 8 (3)]

Form of register to be maintained by the Controller under sub-section(3) of section 19 of the Dangerous machines u(Regulation) Act, 1983 :

Serial No.	Name of the danger ous	Manufactured by (give full- address)	Supplied by (give full address)	Make and Model capacity and serial number of the machine, if any.	whether a new machine or old Modified	Owned or used by name and full address-	Date of grant of registration with its No.
1	2	3	4	5	6	7	8

FORM X

[See Rule 9(1)]

Form of nomination to be made under the first proviso to sub-section (1) of Section 22 of the Dangerous Machines (Regulation) Act, 1983.

Ison of.....residence
(Name)
of
(Address) Ex. Gaz. 2272-193+500

to receive full payment of the compensation which would be payable under the aforesaid Act in the event of my death during the operation of dangerous machine.

Place:

Signature.....

Date:

Full name.....

Witness.....

(Name)

.....

Attested by Sarapanch of the concerned village Panchayat or Municipal Commissioner, as case may be.

FORM XI

[See Rule 9(2)]

Form of register of nomination to be maintained by the Controller under the Dangerous Machines (Regulation) Act, 1983.

Serial No.	Received from (Give name & full-address of the operator) making the nomination and also the date of making nomination.	Name of the operator's employer.	Name and address of the nominee	REMARKS
(1)	(2)	(3)	(4)	(5)

FORM XI

[See Rule 9(2)]

Form of register of nomination to be maintained by the Controller under the Dangerous Machines (Regulation) Act, 1983.

Serial No.	Received from (Give name & full-address of the operator making the nomination and also the date of making nomination.	Name of the operator's employer.	Name and address of the nominee	Remarks
1	2	3	4	5